

requested from out of state providers. Since that time, the parties have engaged in good faith efforts to schedule the depositions necessary to prepare the case for trial.

3. The parties currently have the depositions of the Plaintiff and the Defendant scheduled for January 12, 2023.

4. After repeated requests for his availability, the Plaintiff's treating medical provider, Dr. Lesniak, who is located in Pittsburgh, PA, advised that he had very limited availability and only provided a single day in January and in February 2023 that he was available for his deposition, and the only mutually available date he had was for February 7, 2023. The parties seek leave to be allowed to take his proof deposition on that date even though it is beyond the current cut-off date.

5. The parties have also scheduled Defendant's retained expert medical witness, Dr. O'Brien for a discovery deposition on February 13, 2023, and his proof deposition is scheduled for February 17, 2023. The parties seek leave to be allowed to take Dr. O'Brien's depositions on these dates as well.

6. Given the delays in this matter caused by the untimely receipt of relevant medical records and bills and the limited availability of the parties' experts, the parties respectfully request a continuance to provide additional time to prepare this case for trial and comply with the Court's pretrial deadlines. Throughout this case the parties have worked together in good faith on discovery issues, dismissal of one of the Defendants, and scheduling of depositions. The parties engaged in further good faith efforts to avoid having to request that the Court continue the trial date, but the repeated delays in the receipt of the medical records and bills, and the experts' availability presented unavoidable delays that the parties respectfully submit qualifies as good cause to grant a brief continuance.

WHEREFORE, the parties respectfully request for this Honorable Court to grant this Motion and continue the March 7, 2023 trial for 60 days and to be rescheduled when convenient on the Court's docket, and to continue all unexpired deadlines in the Scheduling Order commensurate with the new trial date. In the alternative, if the Court is not inclined to grant the continuance, then the parties would pray for leave to complete the expert depositions as stated above and extend the deadline to file motions in limine.

Respectfully submitted this the 5th day of January, 2023.

THE BURKHALTER LAW FIRM, P.C.

s/ Zachary J. Burkhalter
David A. Burkhalter, II, TN BPR #004771
D. Alexander Burkhalter, III, TN BPR #033642
Zachary J. Burkhalter, TN BPR #035956
Attorneys for Plaintiff
P.O. Box 2777
Knoxville, Tennessee 37901
(865) 524-4974

FRANTZ, MCCONNELL & SEYMOUR, LLP

s/ Beverly D. Nelms (w/ permission ZJB)
Beverly D. Nelms (BPR No. 16055)
550 W. Main Street, Suite 500
Knoxville, TN 37902
Email: bnelms@fmsllp.com
(865) 546-9321
Attorney for Defendants

TRAMMELL, ADKINS & WARD, P.C.

s/ James C. Cone (w/ permission ZJB)
James C. Cone, Esq. (BPR No. 014799)
Trammell, Adkins & Ward, P.C.
P.O. Box 51450

Knoxville, TN 37950
Phone: 865-330-2577
Email: chriscone@tawpc.com
Co-Counsel for, Jayden Parker Langford

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was served upon counsel of record via the Court's Electronic Filing System, and/or via Email, this the 5th day of January, 2023.

s/ Zachary J. Burkhalter
Zachary J. Burkhalter